

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

JOEL VANGEHLUWE, et al,

Plaintiffs,

2:18-cv-10542

v.

LJM-EAS

Hon. Laurie Michaelson

GOTNEWS, LLC, et.al.

Defendants.

MOTION FOR DISMISSAL OF DEFENDANT KENNETH STRAWN

Defendant, Kenneth Strawn, represented by counsel, moves for dismissal, for the reasons set forth below and in the accompanying brief:

1. Strawn is autistic. This means, among other things, that he not only has difficulties communicating, but he has difficulties understanding when people communicate to him. This has been explained to plaintiff's counsel, who, during the period when Strawn was not represented by counsel, spoke directly to Strawn.
2. Strawn is unable to form the requisite intent for any of the claims of Plaintiff against him. See, The Michigan Autism Council, "Education Based Evaluations for Autism Spectrum Disorder," 9/9/15.

3. . It is a shame that Strawn, who absolutely cannot afford it, has to expend money from his social security, to pay counsel to file an unnecessary motion to dismiss him from this case.

THEREFORE, Defendant Kenneth Strawn respectfully requests he be dismissed from this lawsuit, and that Plaintiff be assessed \$2,500 in costs and attorney fees incurred in obtaining this relief.

BRIEF IN SUPPORT OF
MOTION TO DISMISS

The history of this case is a road which leads to dismissal. Strawn, who lives in Mission Viejo, California, accepts the statement of facts and Motion To Dismiss (particularly as it relies on California law) as set forth by Defendant Got News. However, Strawn has an additional defense which supports dismissal.

It is undisputed that Kenneth Strawn suffers from autism. He lacks the understanding to form the requisite intent to defame anyone.

According to the Michigan Council on Autism, one manifestation of the condition is:

Marked impairment in the areas of social or emotional reciprocity. Reciprocity is defined as the mutual give and take of social interactions. Marked impairment in this area implies significant difficulty recognizing and responding to the needs, intentions, perspectives, and feelings of others across multiple environments and people over time. Evidence of impairment in social or emotional reciprocity may include, but is not limited to, the following:

Lack of interest in the ideas of others

The Indiana Resource Center for Autism discussion of Social Communication and Language, Exhibit A, notes, *inter alia*, notes that autistic individuals appear to have difficulty grasping the main idea and drawing conclusions, as well as having difficulty seeing another person's perspective, promoting self-image by using pseudo-sophisticated language, even experience difficulty recognizing the lies, deceptions and mischief of others. Autism is a neurodevelopmental, rather than a psychiatric, disorder. *Dwyer v. Sec'y of the HHS*, 2010 U.S. Claims LEXIS 86, *73, 2010 WL 892250 (Court of Claims, 2010).

Therefore, treating Strawn as if he were not autistic, ignores his limitations, and the complained of behavior which correlates with his disability. Being facially coherent while demonstrating a lack of judgment and inability to tailor his behavior to more appropriate ends is consistent with his autism, and warrants dismissal of the claim against him.

ROY, SHECTER, & VOCHT, PC

/s/ Lynn H. Shecter

P24845

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Dated January 9, 2019

CERTIFICATE OF SERVICE

Lynn H. Shecter, attorney for plaintiff, affirms that she is an ECF participating attorney and that she electronically transmitted to the court and to all participating ECF attorneys this pleading, and any non-ECF attorney, if any, was served by first class mail.

Roy, Shecter & Vocht, P.C.

/s/ Lynn H. Shecter

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Dated: January 10, 2018

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